IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 403 OF 2006

1. Shri Shewanta Balaram Madhavi,
2. Shri Mayur Balaram Madhavi. ...Applicants

V/s.

The State of Maharashtra. ...Respondent

Mr.I.R. Kulkarni for Applicants.
Mr.R.Y. Mirza, APP for the State.

CORAM : V.M. KANADE, J.

DATED : FEBRUARY 8, 2006

P.C. :-

. Heard learned Counsel for the applicants and learned APP for the state.

. This is an application for anticipatory bail filed by the applicants who are apprehending arrest in connection with an offence which is registered with the Ambernath Police Station vide FIR No.I-14/2006 under Sections 363, 366, 325, 495, 374, 342 of the IPC.

2. It is alleged that the complainant was a minor girl who was employed in the factory owned by one of the applicants and an accident took place in the said factory in which the two figures of the complainant were

amputated. It is alleged that the applicant was afraid that the complainant would file a complaint against him and therefore, assured the complainant that he would perform his son's marriage to the complainant and would take her to his house as his daughter-in-law. It is alleged that the marriage ceremony was performed and thereafter, the complainant was taken to the house of the applicant where she was kept in confinement and was assaulted by the applicants. However, the complainant managed to escape from the clutches of the applicants and went back to her parents and thereafter, the complaint has been filed.

3. I have perused the copy of the complaint. Perusal of the complaint itself discloses that the facts alleged in the said complaint appear to be highly improbable and there was no necessity for the applicant to have accepted the complainant as his daughter-in-law. The complainant at the best would have remedy to proceed against the applicant who is the owner of the factory in which her two figures were amputated, before the competent labour court or other authority. However, so

far as the present complaint is concerned, in my view, a prima facie case has been made out for grant of anticipatory bail.

4. In the result, in the event of the arrest of the applicants by Ambernath Police Station vide FIR No.I-14/2006 for the offences punishable under Sections 363, 366, 325, 495, 374, 342 of the IPC and under Sections 23 and 26 of the Child Labour Act, the applicants be released on bail in the sum of Rs.5000/- each with one or two sureties in the like amount. The applicants shall report to the aforesaid Police Station as and when they are called.

. Application is disposed of.

(V.M. KANANDE, J.)